

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2752-59

C# M#

GALA et al

TC/A.U.

1634

Serial No. 10/074,246

Examiner: SWITZER, Juliet

Caroline

Filed: February 14, 2002

Date: May 2, 2005

Title: IDENTIFICATION OF NUCLEOTIDE SEQUENCES SPECIFIC FOR  
MYCOBACTERIA AND DEVELOPMENT OF DIFFERENTIAL DIAGNOSIS  
STRATEGIES FOR MYCOBACTERIAL SPECIES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)  
One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Five Month Extensions \$2160.00 (1255)/\$795.00 (2254) \$ 2160.00

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

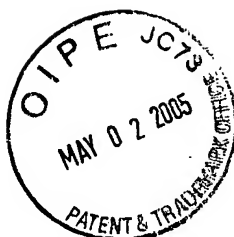
**TOTAL FEE ENCLOSED \$ 2160.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
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Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

GALA et al

Atty. Ref.: 2752-59; Confirmation No. 5029

Appl. No. 10/074,246

TC/A.U. 1634

Filed: February 14, 2002

Examiner: SWITZER, Juliet Caroline

For: IDENTIFICATION OF NUCLEOTIDE SEQUENCES SPECIFIC FOR  
MYCOBACTERIA AND DEVELOPMENT OF DIFFERENTIAL DIAGNOSIS  
STRATEGIES FOR MYCOBACTERIAL SPECIES

\* \* \* \* \*

May 2, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Official Action dated November 2, 2004, the applicants elect, with traverse, the subject matter of the Examiner's Group I for further prosecution in the above.

Reconsideration and withdrawal of the restriction requirements are requested as the applicants submit, with due respect, that search and examination of all of the claimed subject matter would not place an undue burden on the Examiner.

Rejoinder and allowance of any method claims which make and/or use an allowable claimed product, at an appropriate time, are requested.

The applicants further elect, again with traverse, according to the Examiner's lettered paragraphs on page 5 of the Office Action of November 2, 2004, as follows:

(a) SEQ ID NO:65. SEQ ID NOs: 25 and 48 are fragments of the elected species.

(b) SEQ ID NO:68. In the event an election of a probe of claim 5 is required, which is not mentioned in the Office Action of November 2, 2004 and accordingly presumed to not be required, the applicants elect SEQ ID NO:8, without prejudice and to advance prosecution.

(c) The first sequence is not one of SEQ ID NOs: 1-54 however the applicants do not understand the Examiner's further requirement and comment with regard to claim 9. Further clarification is requested in the event anything further is required. The Examiner has apparently not required an election of a primer pair of the sequences of claim 9, or claim 8 from which claim 9 depends. The Examiner is requested to advise the undersigned in the event anything further is required in this regard.

(d) SEQ ID NOs:1 and 2.

(e) No further election is believed to be required as SEQ ID NO:68 is not the elected sequence.

An early and favorable Action on the merits is requested.

The Examiner is requested to return an initialed copy of the PTO-1449 Form filed with the Information Disclosure Statements on April 15, 2002, as most recently requested on November 22, 2004.

The Examiner is also requested to acknowledge applicant's claim for domestic priority, as most recently requested on November 22, 2004.

Moreover, acceptance of the previously-filed drawings or specific objection or rejection of the same is requested, as most recently requested on November 22, 2004.

GALA et al  
'Appl. No. 10/074,246  
May 2, 2005

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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